

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kristin A. Pelletier, Esq., Robert J. Tyson, Esq. Burke, Williams & Sorensen, LLP 444 S. Flower Street, 24 th Floor Los Angeles, CA 90071 TELEPHONE NO.: 213-236-0600 FAX NO.: 213-236-2700 ATTORNEY FOR (Name): City of Burbank		FOR COURT USE ONLY CASE NUMBER: BC 418792
NAME OF COURT: Los Angeles County Superior Court STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central		
PLAINTIFF/ PETITIONER: Christopher Lee Dunn DEFENDANT/ RESPONDENT: City of Burbank		
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents and Things at Trial or Hearing AND DECLARATION		

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
 Christopher Lee Dunn

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: 8/23/10	Time: 9:00 a.m.	<input checked="" type="checkbox"/> Dept.: 1A	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address: 111 N. Hill Street, Los Angeles, CA 90012				

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
3. YOU ARE (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name of subpoenaing party or attorney: Robert J. Tyson
- b. Telephone number: 213-236-0600
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: July 23, 2010

ROBERT J. TYSON

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(Declaration in support of subpoena on reverse)

(TITLE)

5/30

PLAINTIFF/PETITIONER: CHRISTOPHER LEE DUNN	CASE NUMBER: BC 418792
DEFENDANT/RESPONDENT: CITY OF BURBANK	

The production of the documents or the other things sought by the subpoena on page one is supported by (check one):
☐ the attached affidavit or declaration ☐ the following declaration:

**DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL
APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING**
 (Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
 in the above-entitled action.
2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified in the *Civil Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing* on page one of this form (specify the exact documents or other things to be produced):

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

4. These documents or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF <input type="checkbox"/> SUBPOENAING PARTY <input type="checkbox"/> ATTORNEY FOR SUBPOENAING PARTY)
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Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

PLAINTIFF/PETITIONER: CHRISTOPHER LEE DUNN	CASE NUMBER: BC 418792
DEFENDANT/RESPONDENT: CITY OF BURBANK	

**PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM)
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS
AND THINGS AT TRIAL OR HEARING AND DECLARATION**

1. I served this *Civil Subpoena (Duces Tecum)* for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (check one):

- (1) ☐ were offered or demanded
and paid. Amount:..... \$ _____
- (2) ☐ were not demanded or paid.

f. Fee for service:..... \$ _____

2. I received this subpoena for service on (date):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff or marshal.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- f. ☐ Registered professional photocopier.
- g. ☐ Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

1 Kristin A. Pelletier, (SBN 155378)
E-mail: kpelletier@bwslaw.com
2 Robert J. Tyson (SBN 187311)
E-mail: rtyson@bwslaw.com
3 BURKE, WILLIAMS & SORESENSEN, LLP
4 444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
Tel: 213.236.0600 Fax: 213.236.2700

5 Attorneys for Defendants
6 City of Burbank

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

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11 CHRISTOPHER LEE DUNN,

12 Plaintiff,

13 v.

14 CITY OF BURBANK, DENNIS
15 BARLOW and DOES 1 Through 25,
Inclusive,

16 Defendants.

Case No. BC 418792

**DECLARATION IN SUPPORT OF
SUBPENA DUCES TECUM**

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18 I, Robert J. Tyson, declare under penalty of perjury:

19 1. I am a partner with Burke, Williams & Sorensen, LLP, the attorneys for Defendant
20 and Judgment Debtor City of Burbank in this action.

21 2. City is concurrently applying to set the Examination of Judgment Debtor
22 Christopher Lee Dunn on August 23, 2010.

23 3. On information and belief Judgment Debtor Dunn should have in his possession or
24 under his control any documents that exist which are listed and itemized on Exhibit A, attached
25 hereto and incorporated herein by this reference.

26 4. That these documents are material to the matters which are at issue in the above-
27 entitled examination.

1 5. That declarant requests that a Subpoena Duces Tecum be issued directing said
2 Judgment Debtor to appear in person and produce the aforesaid records at the Judgment Debtors
3 Examination.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on July 23, 2010 at Los Angeles, California

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ROBERT J. TYSON

EXHIBIT "A"

1. 2009 Federal Form 1040, U.S. Individual Income Tax Return with all schedules and attachments;
2. 2008 Federal Form 1040, U.S. Individual Income Tax Return with all schedules and attachments;
3. 2007 Federal Form 1040, U.S. Individual Income Tax Return with all schedules and attachments;
4. Bank statements for all accounts for the calendar years ending December 31, 2007, 2008 and 2009, and through June 30, 2010;
5. Broker account statements for all accounts for the calendar years ending December 31, 2008 and 2009, and through June 30, 2010, mutual fund investment account statements;
6. Title and registration documents for all vehicles in the name of Christopher Lee Dunn;
7. Title documents for all real property in the name of Christopher Lee Dunn;
8. Business licenses in the name of Christopher Lee Dunn, for the calendar years 2007-2010;
9. Copies of loan applications signed by Christopher Lee Dunn, during the 2007-2010 calendar years;
10. Credit card statements for all credit cards for the 2007-2009 calendar years, and through June 30, 2010;
11. All contracts, personal guarantees, assignments, assumptions, agreements, and other such obligations signed by Christopher Lee Dunn, during the calendar years ending December 31, 2007, 2008 and 2009, and through June 30, 2010;
12. Residential leases for real property executed by Christopher Lee Dunn;
13. Commercial leases for real property executed by Christopher Lee Dunn;
14. Equipment leases, including but not limited to, vehicles executed by Christopher Lee Dunn;

1 15. Mortgages, Deeds of Trust, and other receivables held by or in the name of
2 Christopher Lee Dunn as of June 30, 2010; and

3 16. Mortgages, Deeds of Trust, payables and other obligations owned by Christopher
4 Lee Dunn as of June 30, 2010.
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